

DECLARATION OF PETER GARZA

I, Peter Garza, declare as follows:

1. I am currently employed by Law Offices of Michael Jay Berger. I am over the age of 18 and not a party to the within action. My business address is 9454 Wilshire Blvd., 6th Floor, Beverly Hills, California 90212. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify to those facts in a court of law.

2. On March 13, 2023, I served by United States mail, the Order Setting Status Conference, et al; [Docket no. 40], attached hereto as Exhibit 1 for Leslie Klein on the following parties:

UNITED STATES TRUSTEE:

Ron Maroko
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017-3560

CREDITORS:

Wilmington Savings Fund Society, FSB, d/b/a
Robertson, Anschutz, Schneid, Crane & Pa
350 10th Avenue, Suite 1000
San Diego, CA 92101-8705

Andor Gestetner
c/o Law Offices of Jacob Unger
5404 Whitsett Ave., Ste. 182
Valley Village, CA 91607-1615

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634

Bank of America
PO Box 673033
Dallas, TX 75267-3033

Barclays Bank Delaware
Attn: Bankruptcy
Po Box 8801
Wilmington, DE 19899

1 CCO Mortgage Corp.
Attn: Bankruptcy
10561 Telegraph Rd
2 Glen Allen, VA 23059

3 California Bank & Trust
Po Box 711510
4 Santee, CA 92072

5 JPMorgan Chase Bank NA
Bankruptcy Mail Intake Team
Mail Code LA4 5555
6 700 Kansas Lane, Floor 01
Monroe, LA 71203-4774

7 Chase Doe
8 143 S. Highland Drive
Los Angeles, CA 90036-3028

9 Citibank
Attn: Bankruptcy
10 P.O. Box 790034
St Louis, MO 63179

11 Ericka and Joseph Vago
12 c/o Brian Procel
Procel Law
13 401 Wilshire Blvd., 12th Floor
Santa Monica, CA 90401

14 Erika and Joseph Vago
15 124 N. Highland Ave
Sherman Oaks, CA 91423

16 Fay Servicing Llc
Po Box 814609
17 Dallas, TX 75381-4609

18 Fiore Racobs and Powers
c/o Palm Springs Country Club HOA
19 Attn: Erin A Maloney
6820 Indiana Ave., Suite 140
20 Riverside, CA 92506-4261

21 Franklin H. Menlo Irrevocable Trust
c/o Wilkie Farr & Gallagher LLP
Attn: Alex M. Weingarten, Esq.
22 2029 Century Park East, Suite 3400
Los Angeles, CA 90067

23 Gestetner Charitable Remainder Trust
24 c/o Andor Gestetner
1425 55th Street
25 Brooklyn, NY 11219

26 JP Morgan Chase NA
s/b/m/t Chase Bank USA, NA
c/o National Bankruptcy Services, LLC
27 PO Box 9013
Addison, Texas 75001-9013

Jacob Rummitz
315 N Martel Avenue
Los Angeles, CA 90036-2515

Jeffrey Siegel, Successor Trustee
of the Hubert Scott Trust
c/o Oldman, Cooley, Sallus
16133 Ventura Blvd., Penthouse Suit
Encino, CA 91436-2408

Los Angeles County Treasurer and Tax
Attn: Bankruptcy Unit
PO Box 54110
Los Angeles, CA 90054-0110

Leslie Klein & Associates, Inc.
c/o Parker Milliken
555 Flower Street
Los Angeles, CA 90071

Mrc/united Wholesale M
Attn: Bankruptcy
P. O. Box 619098
Dallas, TX 75261

Oldman, Cooley and Sallus
16133 Ventura Blvd., Penthouse Suite
Encino, CA 91436-2447

Sandra Layton
161 N Poinsettia Place
Los Angeles, CA 90036-2805

Selene Finance
Attn: Bankruptcy
Po Box 8619
Philadelphia, PA 19101-8619

Shellpoint Mortgage Servicing
Attn: Bankruptcy
Po Box 10826
Greenville, SC 29603-0826

Toyota Financial Services
Attn: Bankruptcy
Po Box 259001
Plano, TX 75025-9001

Toyota Lease Trust
c/o Toyota Motor Credit Corp
PO Box 9013
Addison, Texas 75001-9013

Leslie Klein
322 N. June Street
Los Angeles, CA 90004-1042

Chase Card Services
Attn: Bankruptcy
P.O. 15298
Wilmington, DE 19850

1 Fay Servicing Llc
2 Attn: Bankruptcy Dept
3 Po Box 809441
4 Chicago, IL 60680

5 Chora Young & Manasserian LLP
6 650 Sierra Madre Villa Ave., Suite 304
7 Pasadena, CA 91107

8 I declare under penalty of perjury that the foregoing is true and correct. Executed
9 this 13th day of March 2023, at Beverly Hills, California.

10 By:

11 
12 Peter Garza

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

FILED & ENTERED

MAR 10 2023

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY may DEPUTY CLERK

In re:
Leslie Klein

Case No.: 2:23-bk-10990-SK

CHAPTER 11

ORDER:

Debtor(s).

- (1) SETTING STATUS CONFERENCE;**
- (2) REQUIRING DEBTOR TO APPEAR AND FILE REPORT RE: STATUS OF REORGANIZATION AND TO FILE UPDATED STATUS REPORTS;**
- (3) REQUIRING DEBTOR'S COUNSEL TO APPEAR AT ALL HEARINGS IN THE CASE;**
- (4) GIVING NOTICE OF PROBABLE USE OF COURT-APPOINTED EXPERT FOR CONTESTED VALUATION REQUESTS;**
- (5) MANDATING USE OF SPECIFIC FORMS BY NON-INDIVIDUAL AND INDIVIDUAL DEBTORS; and**
- (6) ESTABLISHING PROCEDURE FOR MOTION FOR ORDER APPROVING ADEQUACY OF DISCLOSURE STATEMENT AND MOTION FOR ORDER CONFIRMING PLAN**
- (7) RE: DUTY OF CARE REGARDING SCHEDULES AND STATEMENTS FILED BY THE DEBTOR**

Chapter 11 Status Conference Date

Date: April 12, 2023
Time: 9:00 a.m.
Place: Courtroom 1575
Roybal Federal Building
255 E. Temple Street,
Los Angeles, CA 90012

1 **READ THIS ORDER CAREFULLY. FAILURE TO COMPLY WITH ITS TERMS MAY**
2 **RESULT IN THE CONVERSION OR DISMISSAL OF THE BANKRUPTCY CASE, OR**
3 **THE APPOINTMENT OF A CHAPTER 11 TRUSTEE. ADDITIONALLY, FAILURE TO**
4 **ABIDE BY ORDERS OF THE COURT DURING THE PENDENCY OF THE CASE MAY**
5 **ALSO RESULT IN THE CONVERSION OR DIMISSAL OF THE BANKRUPTCY**
6 **CASE, OR THE APPOINTMENT OF A CHAPTER 11 TRUSTEE.**

8 On February 22, 2023, **Leslie Klein** (Debtor) filed a Chapter 11 Subchapter V
9 voluntary individual petition, on March 8, 2023, the debtor filed an Addendum to the
10 voluntary petition (docket entry no. 33) filing under chapter 11 bankruptcy case (Case).
11 Pursuant to 11 U.S.C. § 105(d) and to expedite the disposition of the Case, the Court
12 orders the following:
13
14

15 **I. STATUS REPORT**

16 The Debtor shall file with the Court, deliver a Judge's copy to chambers, and serve the
17 United States Trustee, all secured creditors, the holders of the twenty (20) largest
18 unsecured claims and all official committees by **March 29, 2023**, a report regarding the
19 status of this reorganization case (Status Report). Failure to timely file and serve the
20 Status Report may result in the imposition of monetary sanctions or dismissal of the
21 case without further notice. The Status Report must be supported by admissible
22 evidence in the form of declarations and supporting documents and must:
23

- 24 A. Provide an estimate of when the Debtor plans to file and serve a motion for
25 order approving adequacy of disclosure statement (Disclosure Statement
26 Motion) and a motion for order confirming Chapter 11 Plan (Confirmation
27 Motion);
28

- 1 B. Propose a deadline for filing proofs of claims. If the Debtor does not believe
2 that a deadline for filing proofs of claims should be set during the initial status
3 conference in the Case, the Debtor must explain why;
4
5 C. Disclose whether Debtor has performed all of its duties under 11 U.S.C. §§
6 521, 1106 and 1107 and if not, why;
7
8 D. Describe concisely the post-petition operations of the Debtor (including
9 authority to use cash collateral), litigation in which the Debtor is involved and
10 the status of the Debtor's efforts to reorganize;
11
12 E. If Debtor's proposed counsel is not filing documents electronically via
13 CM/ECF, explain why not; and
14
15 F. Disclose whether Debtor has hired any professionals and, if so, whether the
16 professionals' employment has been approved by the Court. If such
17 employment has not been approved, then explain why, and provide a budget
18 of estimated fees and expenses to be incurred by the professionals employed
19 at the expense of the estate.

20 II. STATUS CONFERENCE

21 A status conference (Status Conference) will be held on **April 12, 2023, at 9:00 a.m. in**
22 **Courtroom 1575, Roybal Federal Building, 255 E. Temple Street, Los Angeles, CA**
23 **90012.**

24 If Debtor does not timely file and serve a Status Report and appear at the Status
25 Conference, the Court may order:

- 26 A. The appointment of a trustee pursuant to 11 U.S.C. § 1104(a);
27 B. The conversion of the Case to one under Chapter 7 pursuant to 11 U.S.C. §
28 105(a) and 11 U.S.C. § 1112(b); or

1 C. The dismissal of the Case pursuant to 11 U.S.C. § 105(a) and 11 U.S.C. §
2 1112(b) without further notice.

3 If Debtor timely files and serves a Status Report, including serving a Judge's copy, and
4 appears at the Status Conference, the Court will ordinarily:
5

6 A. Set deadlines for filing proofs of claim and hearings on objections to claims.

7 B. Set deadlines for filing the Disclosure Statement and Chapter 11 Plan and
8 deadlines for filing the Disclosure Statement Motion.

9 C. Set a hearing on a Disclosure Statement Motion.

10 D. If the deadlines set by the Court are not met, the Court may issue an order to
11 show cause why the Case should not be converted or dismissed.
12

13 III. UPDATED STATUS REPORTS

14 Debtor must file and serve an updated Status Report (USR) on the United States
15 Trustee, all secured creditors, the holders of the twenty (20) largest unsecured claims
16 and all official committees, and deliver a Judge's copy to chambers, at least 14 days
17 before each continued status conference. Each USR must include detailed information
18 regarding all significant events that have occurred in the Case from the petition date
19 until the date the USR is filed. Such information shall include:
20

21 A. The filing date, description, and disposition of all motions filed in the Case;

22 B. Updates regarding the status of any negotiations with creditors or other
23 parties;

24 C. The date the Court has set for filing a Disclosure Statement and Chapter 11
25 Plan, or if a Disclosure Statement and Plan have already been filed, the date
26 scheduled for approval of the Disclosure Statement Motion or Confirmation
27 Motion; and
28

1 D. Any other information the Debtor believes will assist the Court in
2 understanding the progress of the Case.

3 Failure to timely file and serve a USR before each continued status conference, or to
4 appear at each continued status conference, may result in the imposition of monetary
5 sanctions or dismissal of the case without further notice.
6

7 **IV. COUNSEL OF RECORD MUST APPEAR AT ALL HEARINGS**

8 Unless the Court waives appearances in a tentative ruling, Debtor's counsel of record
9 must appear at all hearings. Counsel of record must not send "appearances attorneys"
10 to appear on his/her behalf at any hearing in this Case.
11

12 **V. VALUATION REQUESTS**

13 If a request for a valuation of collateral under 11 U.S.C. § 506(a) and FRBP 3012 is
14 made, and more than one party intends to provide admissible evidence regarding value,
15 it is likely that the Court will also require the testimony of a court-appointed expert
16 pursuant to FRE 706(a). Cost of the expert will be shared equally by the parties and
17 must be paid within 7 days of receipt of a bill from the expert.
18

19 **VI. MANDATING USE OF SPECIFIC FORMS BY NON-INDIVIDUAL AND
INDIVIDUAL DEBTORS**

20 **A. Non-Individual Debtors**

21 Located on Judge Klein's website is a document entitled "Combined Disclosure
22 Statement and Plan of Reorganization" which contains an exemplar of a Disclosure
23 Statement and Plan in MS Word format. Unless Judge Klein orders otherwise, in all
24 non-individual debtor cases, the proponent of any Plan must use this exemplar when
25 drafting its Disclosure Statement and Plan.
26
27
28

1 B. Individual Debtors

2 For individual debtors, it is mandatory to use the LBR form motions and orders that are
3 numbered in the F 2081-1 series. The mandatory LBR form motions and orders are
4 available on the court website.
5

6 **VII. DISCLOSURE STATEMENT AND PLAN CONFIRMATION PROCEDURE**

7 A. Requests for orders approving disclosure statements under 11 U.S.C. § 1125
8 and for orders confirming a Plan of reorganization under 11 U.S.C. § 1129
9 must be made by motion within the meaning of Federal Rules of Bankruptcy
10 Procedure 9013 and 9014. All motions must be supported by evidence
11 admissible under the Federal Rules of Evidence and in compliance with Local
12 Bankruptcy Rule 9013-1(i).

13 B. After granting a Disclosure Statement Motion, the Court will:

- 14 1. Set a hearing on a Confirmation Motion.
15 2. Set a deadline for serving the approved disclosure statement and the
16 notice of hearing on the Confirmation Motion.
17 3. Set a deadline for creditors and equity security holders to transmit ballots
18 and preliminary objections to the Confirmation Motion to the proponent of
19 the Plan and the proponent's attorney.
20 4. Notice of the following must be filed and served in accordance with
21 Federal Rule of Bankruptcy Procedure 2002(b)-(d), (f)(11), (g)-(k), (p) and
22 3017-3020:
23 a. The hearing on the Confirmation Motion.
24 b. The deadline for filing and serving objections to the
25 Confirmation Motion; and
26 c. The deadline for voting on the Plan.
27
28

1 5. The ballot summary must be filed, served and a Judge's copy hand-
2 delivered to chambers no later than 14 days before the confirmation
3 hearing.

4 6. The Confirmation Motion must be served upon the U.S. Trustee, any
5 committee appointed under 11 U.S.C. § 1102, any party that has timely
6 filed and served a preliminary objection to confirmation by the balloting
7 deadline, and any party that has voted against the proposed Plan. A
8 Judge's copy must also be served as provided in Local Bankruptcy Rule
9 5005-2(d) and the Court Manual. The Confirmation Motion must meet at
10 least the following criteria:
11

- 12 a. The Confirmation Motion must be supported by evidence
13 establishing that the Plan is confirmable under 11 U.S.C. §
14 1129.
15 b. The Confirmation Motion must be served at least 36 days before
16 the confirmation hearing on the United States Trustee, any
17 official committee, and all creditors and equity security holders
18 who have filed and served on the Plan proponent a preliminary
19 objection to confirmation, and/or voted to reject the Plan; and
20 c. The Plan proponent must serve with the Confirmation Motion a
21 notice of the confirmation hearing date that contains, among
22 other information, notice of requirement that any party opposing
23 the Confirmation Motion must file and serve its written
24 opposition at least 14 days before the confirmation hearing date,
25 and the opposition must be supported by admissible evidence.
26

27 //


28 //

VIII. DUTY OF CARE REGARDING SCHEDULES AND STATEMENTS

Whether the Debtor files its schedules and statements using the 100 series (for individual debtors) or the 200 series (for non-individual debtors), the forms are mandatory and must be executed under penalty of perjury. Any disclaimers, reservations, caveats, general notes or exceptions that Debtor or their counsel may append to or include in such forms are ineffective to alter the duty of care or the level of detail required in connection with the preparation of these forms and do not create or preserve any rights that would not otherwise have existed in the absence of such language.

###

Date: March 10, 2023


Sandra R. Klein
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Blvd., 6th FL., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF PETER GARZA REGARDING SERVICE OF THE ORDER SETTING STATUS CONFERENCE; ET AL [DOCKET NO. 40]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 3/14/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Proposed Counsel: Michael Jay Berger michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com

Interested Party: Greg P Campbell chl1ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com

Counsel for Wilmington Savings Fund: Theron S Covey tcovey@raslg.com, sferry@raslg.com

Interested Party: Dane W Exnowski dane.exnowski@mccalla.com, bk.ca@mccalla.com,mccallaecf@ecf.courtdrive.com

U.S. Trustee: Michael Jones michael.jones4@usdoj.gov

U.S. Trustee: Ron Maroko ron.maroko@usdoj.gov

Counsel for Ajax Mortgage: Joshua L Scheer jscheer@scheerlawgroup.com, jscheer@ecf.courtdrive.com

Subchapter V Trustee: Mark M Sharf (TR) mark@sharfllaw.com, C188@ecfcbis.com;sharf1000@gmail.com

United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

Interested Party: Michael L Wachtell mwachtell@buchalter.com

U.S. Bank: John P. Ward jward@attleseystorm.com, ezhang@attleseystorm.com

Interested Party: Paul P Young paul@cym.law, jaclyn@cym.law

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 3/14/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Sandra Klein
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1582 / Courtroom 1575
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/14/2023

Yathida Nipha

/s/Yathida Nipha

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.